

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN. OF: TOULMIN et al.
SERIAL NO: 10/607,021
FILED: June 26, 2003
FOR: Solid-State Warning Light with Environmental Control
DOCKET: GLH 08-895079

MAIL STOP ASSIGNMENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF MISSING PARTS OF APPLICATION

Dear Sir:

Submitted herewith is a four (4) page Declaration and Power of Attorney executed by the Inventors with respect to the above-identified patent application.

Also enclosed is a three (3) page Assignment affixed to a completed form PTO-1595.

Form PTO-2038 authorizing credit card payment in the amount of \$170.00 to cover the \$130 large entity surcharge and the \$40.00 Assignment recordal fee is also enclosed.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 08-1391.

Respectfully submitted,

Norman P. Soloway
Attorney for Applicants
Reg. No. 24,315

09/10/2003 EAREGAY1 00000058 10607021

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130.00 OP

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP ASSIGNMENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 4, 2003 at Tucson, Arizona.


By: 

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DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

| | | |
|--------------------------------------|-----------------------------------|---|
| Attorney Docket No: GLH 08-895079 | |  |
| First Named Inventor: TOULMIN et al. | | |
| Complete if known: | | |
| Serial No: <u>10/607,021</u> | Filing Date: <u>June 26, 2003</u> | |
| Group Art Unit: _____ | Examiner: _____ | |

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **SOLID-STATE WARNING LIGHT WITH ENVIRONMENTAL CONTROL**, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, S. 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

| <u>Prior Foreign Application(s):</u> | | | <u>Priority Claimed</u> | <u>Certified Copy Attached</u> |
|--------------------------------------|---------------|------------------------|--|--|
| <u>2,391,681</u> | <u>Canada</u> | <u>6/26/2002</u> | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| (Number) | (Country) | (Month/Day/Year Filed) | | |
| _____ | _____ | _____ | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| (Number) | (Country) | (Month/Day/Year Filed) | | |

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

Application No:

Filing Date:

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| US Parent Application No. or PCT Parent Appln. No. | Parent Filing Date | Parent Patent Number (if applicable) |
|---|--------------------|---|
|---|--------------------|---|

And I hereby appoint HAYES SOLOWAY P.C., a firm composed of Oliver W. Hayes, Reg. No. 15,867; Peter A. Nieves, Reg. No. 48,173; Peter W. Murphy, Reg. No. 43,822, or any of them, of 175 Canal Street, Manchester, New Hampshire 03101 (Telephone: 603-668-1400); or Norman P. Soloway, Reg. No. 24,315; Kevin M. Drucker, Reg. No. 47,537; or Ashley L. Kirk, Reg. No. 51,261, or any of them, of 130 W. Cushing Street, Tucson, Arizona 85701 (Telephone: 520-882-7623) my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent Office connected therewith.

Please direct all future correspondence in connection with this application to the attention of **Norman P. Soloway**, HAYES SOLOWAY P.C., 130 W. Cushing Street, Tucson, Arizona 85701 (Telephone: 520-882-7623).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: **John W. TOULMIN**

First Inventor's signature *John W. Toulmin* Date Aug 27/2003
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Citizenship: Canadian
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Full name of second inventor: **Francis BALOGH**

Second Inventor's signature



Date

Nov 25/2003

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Citizenship: Canadian

Post Office Address: Same as Residence

IMPORTANT NOTICE RE DUTY OF CANDOR AND GOOD FAITH

The Duty of Disclosure requirements of Section 1.56(a), of Title 37 of the Code of Federal Regulations are as follows:

A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

By virtue of this regulation each inventor executing the Declaration for the filing of a Patent Application acknowledges his duty to disclose information of which he is aware and which may be material to the examination of the application.

Inherent in this is the duty to disclose any knowledge or belief that the invention:

- (a) was ever known or used in the United States of America before his invention thereof;
- (b) was patented or described in any printed publication in any country before his invention thereof or more than one year prior to the actual filing date of the U.S. patent application;
- (c) was in public use or on sale in the United States of America more than one year prior to the actual filing date of the U.S. patent application; or
- (d) has been patented or made the subject of inventor's certificate issued before the actual filing date of the U.S. patent application in any country foreign to the United States of America on an application filed by him or his legal representatives or assigns more than twelve months before the actual filing date in the United States.

NOTE: The "Information" concerned includes, but is not limited to, all published applications and patents, including applicant's and assignee's own, U.S. or foreign applications and patents, as well as any other pertinent prior art known, or which becomes known, to the inventor or his representatives. Where English language equivalents of foreign language documents are known, they should be identified and, when possible, copies supplied. Failure to comply with this requirement may result in a patent issued on the application being held invalid even if the known prior art which is not supplied is material to only one claim of that patent.